

SCHOLL

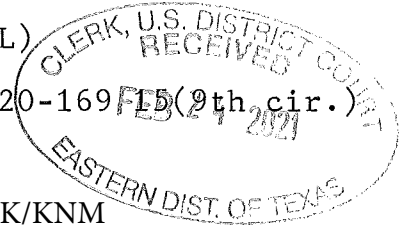
VS.

MNCHIN

CAUSE NO.4:20-CV-5309-

PJH(N.D.CAL)

APPELL NO.20-16915(9th cir.)



6:21CV73 JDK/KNM

Plaintiff:

MOTION TO SHOW CAUSE AND FOR CIVIL CONTEMPT OF COURT ORDER TO
SEEK ENFORCEMENT OF THE CONSENT DECREE ORDERING UNITED STATES
STIMULAS CHECKS TO BE ELIGIBLE FOR INMATES.

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now James Skip Hulsey T.D.C.J.#1118103 SSI# [REDACTED] DOB [REDACTED] /

Timothy Galimore T.D.C.J.# 878419 SSI# [REDACTED] DOB. [REDACTED] /

Daniel Casaneda T.D.C.J.# 1122999 SSI# 4 [REDACTED] DOB. [REDACTED] /

Ray Joe White T.D.C.J.# 871357 SSI# 4 [REDACTED] DOB. [REDACTED] /

Ricky Farrow T.D.C.J.# 751694 SSI# 4 [REDACTED] DOB. 1 [REDACTED] /

Michael Howard T.D.C.J.# 1686729 SSI# 4 [REDACTED] DOB. 6 [REDACTED] 7 /

Alon David Morgan T.D.C.J.# 891401 SSI# [REDACTED] DOB. [REDACTED] /

L.C.Stover T.D.C.J.# 300452 SSI# 4 [REDACTED] DOB. [REDACTED] /

Miguel Escatiola T.D.C.J.# 1256214 SSI# [REDACTED] /

Bob Gerald Benitt T.D.C.J.# 00481744 SSI# [REDACTED] DOB. [REDACTED] /

Gilbert Chatman T.D.C.J.# 786090 SSI# [REDACTED] /

Perry Stevenson T.D.C.J.# 1120132 SSI# [REDACTED] DOB. [REDACTED] /

James Lee Young T.D.C.J.#2226034 SSI# [REDACTED] 3 DOB [REDACTED] /

Henry Kohhamer T.D.C.J.# SSI#

Leland Boothe T.D.C.J.#766955 SSI# 4 [REDACTED] DOB. 8 [REDACTED] /

Toan That Ton T.D.C.J.# 656432 SSI# 4 [REDACTED] DOB. 1 [REDACTED] /

Shane P. Fountain T.D.C.J.#1353206 SSI# [REDACTED] DOB. [REDACTED] /

NAME JONATHON ZIGRRE TDCJ# 2226867 SSI# [REDACTED] DOB. [REDACTED] /

NAME DAVID A. NORWOOD TDCJ#400175 SS [REDACTED] 7 DOB. [REDACTED] /
MICHAEL ETHINGTON TDCJ# 19422169 SSI# 4 [REDACTED] [REDACTED]
RICHARD F. PEI TDCJ# 2150798 SSI#4 [REDACTED] 2 DOB [REDACTED]
JOSHUA SISERMARE TDCJ# 2218977 SS [REDACTED] DOB. 4 [REDACTED]
JOSEPH KING TDCJ# 649142 SSI# 1 [REDACTED] [REDACTED] /
GARY FISHER TDCJ# 1717940 SSI# [REDACTED] 3 DOB. [REDACTED] /
BOBBY CASTLEBERRY TD [REDACTED] [REDACTED]
JERRY KILLONGH TDCJ# 1978345 SS [REDACTED] DOB. [REDACTED]

The plaintiffs members of the class in this above styled and numbered cause. And proceeds as pro se, counsels, pursuant to federal rules of civil procedure, rule 70, and hereby moves this court for an order due to civil contempt of court order and aggravating circumstances in the above styled cause of action and in support of such show the following.

(1) The United States Department of the Treasury was sued by inmates of the California Department of Corrections, for the United States stimulus checks, and the court ordered the U.S. Treasury Department to include inmates of the states and federal prisons, eligible for the \$1,200. and the \$600. stimulus checks. The court order is in effect at this time.

FACTS OF THE CAUSE

The plaintiff filed their 10 40 forms for the stimulus checks in October before the dead line. We have not at this time received our checks, and the Department of the Treasury will not respond with us and let us know if the Department of the Treasury received our 10 40 forms. The Department of the Treasury made payments to some inmates that filed at the same time as the plaintiffs of this motion. The court ordered the Department of Treasury to include inmates in prisons access to the stimulus checks. The respondent is in violation of the court orders in SCHOLL VS. MNCHIN NO. 4:20-CV-5309-PJH(N.D.CAL.)appe;; no.20-169-15(9th cir.2020)contempt by failing to obey the court issued consent decree that inmates are entitled to the stimulus checks.

This power is supported by several rules and statutes. Rule 70, fed. R. civ. p. provides that if a party fails to perform a specific act required by a judgement, the court may direct the act to be done at the case of the disobedient party. Civil contempt, which we focus on here, is aimed at vindicating the rights of the litigant who has obtained a court order... UNITED STATES VS. UNITED MINE WORKERS, 330 U.S. at page 258, 303-49 67 S. Ct. at page 677 (1949) NEW YORK NOW V. TERRY 887 F.2d. at page 1334, 1351 (2d. cir. 1989) Cert. denied 495 U.S. at page 947 (1990).

(2) The Department of the Treasury has mailed the stimulus checks to inmates here on the Skyview Unit of TDCJ. But has failed to mail any of the stimulus checks to the majority of the inmate population even though they filed their 10 40 at the same time as the other inmates that have received both the \$1,200 and \$600 dollars stimulus checks. The court recognizes that pleadings filed by individuals proceeding pro se, are held to a less stringent standard than those drafted by attorneys see HAINES V. KERNER, 404 U.S. at page 519, 92 S. CT. at page 594 30 L. ed 2d. 652 (1972) Piggly Wiggley Clarksville V. Mrs. Baird's Bakeries, 177 F.3d at page 380 (5th cir. 1999).

3. Contempt 66(7) the court of appeals reviews a district courts refusal to hold a party in civil contempt under the abuse of discretion standard.

4. Contempt 20,60(3)

In a civil contempt proceeding the party seeking an order of contempt need only establish by clear and convincing evidence that (1) A court order was in effect. (2) The order required certain conduct by the respondent, and (3) The respondent failed to comply with the court's order.

5. Injunction 218

The contempt power should only be invoked where a specific aspect of injunction has been clearly violated.

6. Civil Contempt:

It is firmly established that in a civil contempt proceeding the party seeking an order of contempt need only establish by clear and convincing evidence. (1) That a court order was in effect. (2) That the order required certain conduct by the respondent, and (3) That the respondent failed to comply with the court's order. E.D.I.C.V. LEGRAND, 43 F.3d at page 163, 170 (5th cir. 1995) citing MARTIN V. TRINITY INDUSTRIES, INC. 959 F.2d at page 45, 47, (5th cir 1992).

7. The judicial sanction of civil contempt is designed to enforce the rights and administer the remedies with a court has found a party entitled to in an order or decree. And if denied, we should know why and have the right to appeal.

8. Federal Civil Procedure 2397.1

Consent decrees entered in federal court must be directed to protecting federal interest.

PRAYER FOR RELIEF

Therefore the plaintiffs claims should be granted. Wherefore premises considered respectfully pray that the court grant this motion to show cause and for civil contempt of court order to seek enforcement of consent decree. The plaintiffs further pray that they receive other and further relief to which they may be justly entitled to. EXECUTED on 2/22/2021.

James A. R. R. R.
RESPECTFULLY SUBMITTED

PLAINTIFFS NAMES AND NUMBERS

NAME	<i>Timothy Travis Gallimore</i>	TDCJ	<i>878419</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Daniel Castaneda</i>	TDCJ	<i>1122999</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Gilbert Chatman</i>	TDCJ	<i>786090</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Ray Joe White</i>	TDCJ	<i>871357</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Joseph King</i>	TDCJ	<i>649142</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Miguel Escalona</i>	TDCJ	<i>1256214</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Shane Fountain</i>	TDCJ	<i>1353206</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Gary Fisher</i>	TDCJ	<i>1717940</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Bobby Castberry</i>	TDCJ	<i>642047</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Bobby G BENNETT</i>	TDCJ	<i>00481744</i>	SSI	[REDACTED]
DOB	[REDACTED]				
NAME	<i>Jerry Killough</i>	TDCJ	<i>1978345</i>	SSI	[REDACTED]
DOB	[REDACTED]				


[illegible]

CERTIFICATE OF SERVICE

The foregoing Plaintiffs do hereby certify that a true and correct copy of the above and foregoing plaintiffs motion to show cause and for civil contempt of order to seek enforcement of consent decree has been served by placing same in the United States postal service. Addressed to United States Attorney General office 5137 ROBERT F. KENNEDY BLDG 10th. St. and Constitution Ave. Washington D.C. 20530

EXECUTED ON 2/22/2021.

RESPECTFULLY SUBMITTED

_____

JAMES SKIP HULSEY # 1118103

JAMES SKIP HULSEY #1118103 ET AL

SKYVIEW UNIT 379FM. 2972 W.

RUSK, Tx. 75785

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS TYLER DIVISION

IN RE JAMES HULSEY ET AL
VS.
MNUCHIN
UNITED STATES OF AMERICA
PLAINTIFF-INTERVENOR
DEFENDANT

CIVIL ACTION NO.
4:20-CV-5309
PJH(N.D.CAL.)
APPEAL NO.20-169-15
~~CONSENT DECREE~~
(9th cir.)
CONSENT DECREE

ORDER

On this day comes before the court for consideration plaintiffs motion to show cause and for civil contempt of court order to seek to enforcement of consent decree the court,after considering the pleadings of this parties filed herein,is of the opinion that the following order should issue:

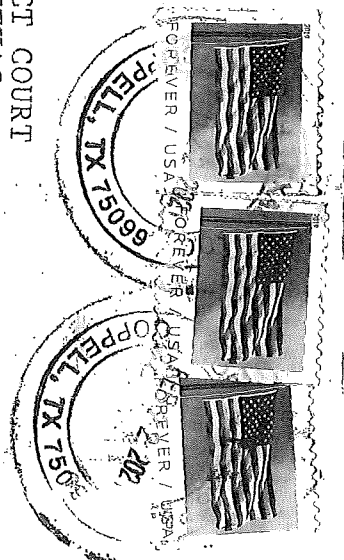
It is hereby ordered that plaintiff motion to show cause and for civil contempt of court order to seek to enforcement of consent decree is hereby grant in full.

SIGNED THIS DAY OF 2021

JUDGE PRESIDING

TIMOTHY GALLIMORE # 878419
SKYVIEW UNIT 379FM. 2972 W.
RUSK, Tx. 75785

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
211 W. FERGUSON ROOM 106
TYLER TEXAS 75702



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